

City Council Chamber, City Hall, Tuesday, July 16, 2002.

A Regular Meeting of the Houston City Council was held at 1:30 p.m. Tuesday, July 16, 2002, with Mayor Lee P. Brown presiding and with Council Members Bruce Tatro, Carol M. Galloway, Mark Goldberg, Ada Edwards, Mark Ellis, Bert Keller, Gabriel Vasquez, Carol Alvarado, Annise Parker, Gordon Quan, Shelly Sekula-Gibbs, M.D., Michael Berry and Carroll Robinson; Mr. Paul Bibler, Senior Counsel, City Attorney's Office; Mr. Richard Cantu, Director, Mayor's Citizens Assistance Office; Ms. Sara Trapoli, Assistant Agenda Director present. Council Member Addie Wiseman out of the city on personal business.

At 2:07 Mayor Brown stated that they had a Council presentation by Council Member Quan. Council Members Goldberg, Ellis, Keller, Alvarado, Sekula-Gibbs, Berry and Robinson absent.

Council Member Quan stated that during the month of May they celebrated Older Americans Month and one of the highlights had been the Miss Senior Pageant, that they had a wonderful pageant again this year and had several lovely women who participated and invited the ladies to the podium and introduced the winner Ms. Hazel Coogan, who was 99 years old. Council Members Goldberg, Keller, Alvarado, Sekula-Gibbs, Berry and Robinson absent.

Mayor Brown stated that he wanted to congratulate each one of them, that it was like judging the Miss Universe Pageant, and Council Member Parker stated that she had the honor of being one of the judges and she wanted to tell them it was a hard choice but was a very enjoyable afternoon.

At 2:12 p.m. Mayor Brown called to order the meeting of the City Council and Council Member Vasquez led everyone in the prayer and pledge of allegiance. Council Member Wiseman out of the city on personal business. Council Members Goldberg, Keller, Sekula-Gibbs, Berry and Robinson absent.

Mayor Brown requested the City Secretary to call the roll. Council Members Goldberg, Keller, Sekula-Gibbs, Berry and Robinson absent.

Council Members Quan and Tatro moved that the minutes of the previous meeting be adopted. All voting aye. Nays none. Council Members Goldberg, Keller, Sekula-Gibbs, Berry and Robinson absent.

Mayor Brown requested the City Secretary to call the list of speakers. Council Members Goldberg, Keller, Sekula-Gibbs, Berry and Robinson absent.

Ms. Mary Daly, 834 Arlington, Houston, Texas 77007 (832-618-1130) had reserved time to speak, but was not present when her name was called. Council Members Goldberg, Keller, Sekula-Gibbs, Berry and Robinson absent.

Ms. Dorothy Rucker, 15004 Crosswinds Drive, Houston, Texas 77033 (281-590-4584) had reserved time to speak, but was not present when her name was called. Council Members Goldberg, Keller, Sekula-Gibbs, Berry and Robinson absent.

Reverend Ruth Love, 5301 North Sam Houston Parkway E., No. 1101, Houston, Texas 77032 (281-987-1457) appeared and stated she was present on behalf of the disabled, handicapped and poor, that she knew they knew or believed that there were a lot of societies and organizations already established to help the different diseases and disabled people, that she would like for someone to please order all the statistics on the societies, that she had Multiple Sclerosis for 32 years and also had 21 other diagnosed diseases caused by Cancer and breast implants, that she had been a facilitator for the AMAS Society for the last 15 years and she was present to tell them that most of the societies and organizations did absolutely zero for their constituents, that they raise a lot of money and they did nothing, that they now pretend that most of their money was for research and that was a beautiful thing, they did have four drugs now that

they took and each one of them cost \$1,000 per month and out of the \$1,000 the society would not donate to one of the clients to be able to get that drug, that she was present to tell them it was horrible, that they were underprivileged, under classed and yet they were highly intelligent and people full of life, that she because of Jesus Christ, so therefore she was pleading with them, that Texas was one of the only states that had Medicaid, that she was a CBA client herself, because of her 22 diseases, that had such a great plan, yet the plans tried to do as less for the people as they possibly could, that the Section 8 Program that they had, there needed to be an emergency Section 8 Program for people who were disabled and had no place to stay and who were living in shacks and dumps, that they wanted to live decent too, that just because they were poor did not mean they were vagabonds, that she personally loved the best things in life at the least price that they could get them, that there were other people like her who wanted to live nice and they had worked, that she had worked two jobs all of her life, even with Multiple Sclerosis for 32 years so therefore she knew that these people were not just totally ready to give up, but were people that were just being totally abandoned. Council Members Berry and Robinson absent.

Mayor Brown asked Reverend Love if she was aware of the Mayor's Office for People with Disabilities, and Reverend Love stated that she had contacted them and they told her there was nothing they could do for her, that she had her own incorporation and was getting her 5013C, and Mayor Brown stated that Ms. McKinney was present and would meet with her and see how they could be helpful.

Upon questions by Council Members, Reverend Love stated that all of the organizations were established and then everyone was led to believe that the organizations were doing things, that the Jewish Community Center tried their very best to do what they had set out to do, but the rest of the organizations fell far below any expectation, that the MS Society, twenty years ago, used to help, they had members die and leave them multi millions of dollars and the more money they had gotten the less they do, that she called the Mayor's office to see if there was anyone who could help the small businesses try to get started or get any referrals or references of who they could contact to help get the small businesses off the ground and office space and things like that. Council Members Goldberg, Berry and Robinson absent.

Council Member Edwards requested Reverend Love to call her office and she would work with Ms. Kim King, that they may not be able to solve her problem, but they might be able to point her in a direction. Council Members Berry and Robinson absent.

Council Member Goldberg stated that he wanted to recognize a group of school children from Bellaire Central Baptist Child Development Center and asked that they stand and be recognized, that the children had to pick a government to study and they picked City government to study. Council Member Berry absent.

Mayor Brown stated that he wanted to welcome them to City Hall and was happy that they were present and hoped that what they learned today would inspire them to a career in public service. Council Member Berry absent.

Council Member Galloway moved to suspend the rules to hear Mr. Skipper Lee Frazier out of order, seconded by Council Member Vasquez. All voting aye. Nays none. Council Member Berry absent. MOTION 2002-0844 ADOPTED.

Ms. Ruby Dixon, 6463 Cambridge Glen, Houston, Texas 77035 (713-728-0714) appeared and stated that she was the Executive Director of an organization that was created to enhance the lives of disable persons in the City of Houston, that they knocked on many doors, both corporate and main stream American and had most of them closed in their faces, but she would like to speak to them about the premises that the disabled community stands on a new level, that she did not know how many of them had heard of JAWS and those types of programs that assisted disabled people in doing absolutely superb jobs, that they were talking about just

simply trying to get into the workforce, that they lived in a Country where there were so many opportunities, and certainly there should be opportunities to the disabled community, that there was a time when disabled people would accept a Social Security Disability Check, go home to a small apartment and thought of that as life, that today that was simply existing, it was not life, that she was present to appeal to the City of Houston to try and work with them on some of their ideas, that she brought some proposals the last time she was present, that today she was present with just what she had to say, that she thought that Mayor Brown, Council Member Quan and Congressman Sheila Jackson Lee had her telephone number and address, that they had a factor under "Because We Are People To", one of them was called Workable Solutions, that Workable Solutions was an entity, that first of all, would dispense the myths, negatives and attitudes that corporate America had formed toward the disabled community, that she believed was one of the main reasons that many young disabled, well trained, educated people were not hired, that another one of the factors under the "Because We Are People To" was the CDRB, that it stood for Citizens with Disabilities Review Board, that they set up a council of citizens for when a disabled person had either been discriminated against or abused or misused in any way, they were going to try and refer them to attorneys because they knew for sure that one just could not speak, that they must know how to stand up on the words that they speak, that she was appealing to the City of Houston to help them get many of the factors off of the ground, that they had many young people with very good ideas, ideas that could change the community of people from the helpless to hopeful and they were just simply asking for a helping hand. Council Member Berry absent.

Mayor Brown stated that as he had mentioned earlier, Ms. Albeta McKinney was present and would meet with both of them while they were present in City Hall, and wanted to point out that they did have the Mayor's Office for People With Disabilities to do what they could to be of assistance, that in fact he held the first ever townhall meeting for people with disabilities and out of that meeting came a number of issues that they were constantly addressing to be responsive to that community. Council Member Berry absent.

Council Member Sekula-Gibbs stated that she wanted to suggest to both of the ladies that they take advantage of the opportunity with the opening of the next Legislative session, because when they convene this time they would be taking up a lot of issues related to insurance, Medicaid and Medicare and there would be a lot of wrangling and fighting about where those dollars would go, but the disabled community very much needed to be part of that decision making process. Council Member Berry absent.

Mr. Skipper Lee Frazier, P. O. Box 33132, Houston, Texas 77237 (713-644-1160) appeared and invited Mayor Brown and the Council Members to Windsor Village United Methodist Church on July 29, 2002 at 7:00 p.m. for a Roast and Toast of Skipper Lee Frazier and to celebrate 45 years in radio and his 75th birthday. Council Member Vasquez absent.

Mr. Ladd Hoffman, 7626 Betty Jane Ln., Houston, Texas 77055 (713-686-0888) appeared and stated that the USA Today had a headline that said "Americans have great faith in each other, but their trusts in CEO's, big business, priests and HMO's was slipping away", that in May of 1999 City Council voted in a TIRZ in the Uptown Galleria area, a group no larger than the City Council submitted the petition, that he believed City Council had been duped, on that petition they claimed property that did not exist inside the boundaries of the TIRZ, one gentleman claimed 5100 Post Oak Boulevard, and also claimed 5110 San Felipe Boulevard, that property was worth about \$18 million on the City's tax rolls, it did not exist inside of the TIRZ boundary, with actions like that he wanted to tell them the results of what the TIRZ was doing, that with the three people that stood over his left shoulder they would see some of the business owners that were going to be hurt, they were small business owners, individuals, families, they were not corporations, they did not have millions of dollars, they could not come before the City Council like they did in May and write a check for \$3.7 million for the housing projects, they could not do it, they were too small, but the Uptown Taxing Authority was going to expand San Felipe, it was their Goliath, that the Uptown Taxing Authority said to take their offer or, as Bob Litke said the words "imminent

domain”, it was going to be taken from them, that they built this business, his family, at 4920 San Felipe, they sold shoes, he dug the ditches behind that building for the conduits for the drainage, he painted, those people were going to take their property, they came along and said they wanted half of their front parking lot, where were they going to park cars for the ladies to come in to buy shoes, their neighbors were going to lose their business that they had for 50 years in their family, that the tax code claimed, and they all had copies of it, that on page 3, if they looked in the middle of the page, that improvements in the zone would significantly enhance the value of all the taxable real property in the zone and would be of general benefit to the municipality, tearing down a business and making it a walkway and planting flowers did not constitute an enhancement of the real taxable property value of that piece of real estate, that on page 8, the tax code also claimed on Section 4 under 311.01 that a statement of a method of relocating persons to be displaced as a result of implementing the plan, that his friends at the Chinese restaurant did not have that statement, that what he wanted the Council to hear was that he believed they had been duped, that some people who owned millions and millions of dollars worth of property now controlled the fate of hundreds and hundreds, all of their employees, all of their suppliers, all of the people that they did business with, the advertising they did with the local entities, that they were going to cut away half of their property in the front for people to park cars, yet not take a stitch of property from the opposite side of the road, why, because even the engineer for the Uptown Association said upstairs last week, some places were untouchable, that he did not know how they got the category untouchable applied to their property, but they would like it applied to theirs. Council Member Vasquez absent.

Upon questions by Council Member Tatro, Mr. Hoffman stated that he asked specifically the question to Bob Litke if he saw any large corporations present, did he see any corporate folks that were hiding behind all of those names and partnerships, no, there were at least 7 businesses that he knew of that were going to lose property, and the funny thing was, if they looked at those businesses some were south of San Felipe and some were north of San Felipe, that if they walked down the center line of San Felipe they were taking 6 feet on both sides, but if they walked a little farther, 40 feet on this side, none on that side, that in front of their store 25 feet on this side, none on that side, it was not fair, that they were asking for a level playing field, they were asking for engineers that were not paid by the Uptown Association to draft a proposal, that he was asking that they go back and evaluate the petition that was originally sent to City Council with the names of the properties and the tax codes. Council Member Vasquez absent.

Mayor Brown stated that no decisions had been made on this, that the TIRZ did not have the authority of imminent domain, that they may recommend, but the ultimate decision had to be made by the City Council. Council Member Vasquez absent.

Upon questions by Council Member Sekula-Gibbs, Mr. Hoffman stated that he learned of this last Tuesday in a meeting upstairs. Council Member Vasquez absent.

Council Member Keller stated that the sooner they got the conspiracy theory stuff out of the way the easier it was going to be for them to solve the problem, that the majority of these small business owners were close to being at terms with their different properties, that Mr. Hoffman had brought up some good points and he certainly apologized to him on behalf of the City if somebody did say something like they were going to take it regardless of whether he liked it or not, that if somebody had that attitude then they should be reprimanded because that was not true, as he understood it they were in negotiations and he had a meeting with them and they said that they were trying to reach other alternatives to try and mediate, that he had also heard it more closely to 15 feet and 25 feet on the taking, that the project went all the way from 610 to Sage. Council Members Vasquez and Berry absent.

Council Member Ellis stated that Mr. Hoffman had stated that the Council was duped and that there were certain valuations or certain properties that were not actually in the tax incremental reinvestment zone that had been added to the tax rolls and asked if that was correct, or was he just saying during the petition process, and Mr. Hoffman stated the petition

that was filed stated that there were 30 members in the petitioning group, if they read through the petition they would find the names, for example, Louis K. Sclar, he was entered one, two, three, four, five, six, seven, eight, nine, ten, eleven times, so there was not eleven different people, and Louis K.. Sclar represented one of the most wealthiest in the world, Gerald D. Hines, so that was not eleven people it was one, so instead of 30 entries there were only 15, and Council Member Ellis stated that it was his understanding that when they were trying to establish a tax incremental reinvestment zone they needed the valuation, it was not so much the 51% of the property owners, and Mr. Hoffman stated that was right, that these 12 or 13 people controlled more than 50% of the taxable value of real estate in that region, that he did not agree that by law they did meet the requirements to create the tax incremental reinvestment zone, that there was \$18 million worth of property that was not inside of the zone that was claimed in the petition, and that was just one that he found, and Council Member Ellis stated that he thought Mr. Hoffman was trying to attack whether or not the TIRZ had the authority to be established and if that was the case then he would urge Mr. Hoffman to go find an attorney and take it to court, because if he was coming in and telling the Council that they gave the tax incremental reinvestment zone the authority to establish itself, that they legally did not have the right to do that, and Mr. Hoffman stated no sir, they had the right to do anything they wanted to, that the decision was made on faulty information, and Council Member Ellis stated that he would like to talk to him after they were finished. Council Members Vasquez and Berry absent.

Mayor Brown stated that if Mr. Hoffman had some evidence of faulty information to provide it to Mr. Cantu and they would take a look at it and see what needed to be done about it. Council Members Vasquez and Berry absent.

Council Member Sekula-Gibbs requested that the Planning Department look at this and get back with the Council Members, an official report on whether these names did represent 51% of the value in the TIRZ, and Mayor Brown stated that they would get a report back to Council on that, that Mr. Cantu would get it to the right person to do the analysis. Council Members Vasquez and Berry absent.

Council Member Tatro requested that Mr. Hoffman provide by e-mail or whatever his list to the Council Members, to play a point, counterpoint type issue, his statement of the initial qualifications. Council Members Vasquez and Berry absent.

Mr. Rudolph Garcia, 7701 West Hardy Rd., Houston, Texas 77020 (713-691-8488) appeared and stated that he was present to make the Council aware of a very unsettling and humiliating situation even that happened to him July 10, 2002 perpetrated by two policemen from the Houston Police force and a City inspector with Neighborhood Protection, that on that day, July 10, 2002, he rented a property on West Hardy Road and moved into a lower income area and it seemed like he had to give up some of his basic civil rights when he moved in because on July 10, 2002 the officers came banging on his 10 foot high steel fence that surrounded the property and telling him in Spanish, abre la puerta, es la policia, in exactly those words and in that done, that from far away he told them in Spanish not to joke with him, that they told him they were the police and to open the door, that he got his keys and got his house shoes and went to the gate and asked the policeman twice what the problem was and he said there were many problems, and he asked him again that everything would be explained to him after he opened the door, that another policeman stepped into the scene from the other side and asked if he could come in, that not having anything to fear and nothing to hide, he did not want to antagonize the policemen, so he told them yes, to get out of the sun, that it was about 10:00 a.m. and they entered and immediately one of them began to search his property without permission, that he did not authorize permission to be searched and after that the other officer, Besluis, was his name, that he asked them their names and he said his name was Tony and he asked him the other officers name and he said his name was Carlos, no last names, that he could not see his badge number or name tag, that at that point he asked him if he knew the witnesses to the murder down the street and if the bar license had been pulled and was the bar open, all of these erroneous concocted questions that he asked him telling him that even Congressman Gene

Green was involved in this complaint, those were his exact words, that nonetheless the other officer continued to search his shop area, it was a shop area that he was renting for storage and basically he contented that the City inspector conspired with the officers to get him to open his gate and with an erroneous that his neighbors had been complaining, that he had one neighbor and she was very pleased with the work they had done, that there was a complaint from the City to clean up the area and that had been done. Council Members Keller and Vasquez absent.

Mayor Brown asked Mr. Garcia if he had filed a complaint with Internal Affairs, and Mr. Garcia stated that Sergeant Goss downplayed his complaint and asked him to take it to the sergeant who was their immediate supervisor, and Mayor Brown stated that Chief Stewart was in the Council Chambers and would meet with him and give him directions on how he could file a complaint and there would be an investigation. Council Member Vasquez absent.

Mr. Ricardo Peduzzi, 3615 Braewin Ct., Houston, Texas 77068 (281-580-1391) appeared and stated that there were two industries that spoke to the heart of Houston, energy and space, that those two industries in the fall were organizing world class congresses which they thought could be very well enriched by the sport and participation of representatives of the City Council, and specifically and in chronological order would like to point out that the World Petroleum Congress, taking place in Rio De Janiero, was bringing together leading energy companies, decision makers in the energy business worldwide with a focus on technology and environment and how the energy industry affected energy, environment and technology, that they had been asked by the world petroleum congress to have the Brazil Texas Chamber of Commerce represent the world petroleum congress and then later in October, and this was on behalf of Cleough Carrier Economic Development Foundation, Houston was hosting the world space congress and they were receiving decision makers, and this was at the ministry level, secretaries of state coming into house on its ten year program and discussing world programs and opportunities, that they thought these would be two occasions in which the City of Houston could be of instrumental support. Council Member Vasquez absent.

Mr. Stanley Trishell, 12345 Bob White, Houston, Texas 77035 (713-283-6359) had reserved time to speak, but was not present when his name was called. Council Member Vasquez absent.

Mr. Kenneth Leonard, 4302 Los Angeles, Houston, Texas 77032 (no phone) had reserved time to speak, but was not present when his name was called. Council Member Vasquez absent.

Reverend John Banks, 8700 Talton, Houston, Texas 77028 (281-812-7650) had reserved time to speak, but was not present when his name was called. Council Member Vasquez absent.

Mrs. Myra Banks, 8700 Talton, Houston, Texas 77028 (281-812-7650) appeared and stated that she was present on behalf of her local church, The Greater Emmanuel Church of God in Christ, that one year ago their church was devastated by Tropical Storm Allison, that they had approximately \$1.4 million property that expanded from the corner of Mesa and Talton to Surrey and Talton, that their church was flooded one year ago and they sustained \$100,000 worth of damage in the main sanctuary and another \$100,000 worth of damage to their educational building which contained a smaller sanctuary, 18 classrooms, a fellowship hall, etc., that on that past Saturday during the flashflood that lasted less than one hour, their church flooded again, they had for the last year been rehabbing their entire church and facility and with the sweat of their backs and the dollars from their members, because they could not get assistance from FEMA or SBA because they were a non profit, but they did it, rehabbed their church, put it back together and their opening was supposed to be two weeks from that past Sunday, that their church flooded on Saturday, that they called the 311 number and they explained that they had a limited staff there and no one could come out, but they did come out very early yesterday, that they asked them to go into their sanctuary, they tried to clean it up on Sunday, they could not

even have church, ankle deep water in their church, the sewers were stopped up, the water main was busted, there was a six foot hole at the corner of Surrey and Talton and it collapsed so it was six foot by four foot deep, they tried to repair it on Friday and they said it collapsed into the sewer and put all of that trash in there, that it stopped up, backed up into the church and now their church was full of sewage and there was water ankle deep, the people came there last night because they were supposed to start vacation bible school, the members were frustrated and they were frustrated because more than half of their membership flooded during Tropical Storm Allison and they were trying to put their homes back together, they lost so much, that she knew how the City worked but they needed somebody to do something, that the City was out there now and were out there all night, they say that they needed to shut down the pumping station because somehow when they opened the floodgates, the corp of engineers came out, that when they opened the flood gates last year it did something and when they did the repaving or restructure of Tidwell it did something and now the water from Greens Bayou was flooding in that area, they had been there 40 years.

Mayor Brown stated that Mr. Gary Norman, Public Works, would meet with her and do what was necessary to help correct the problem, that he would explore any possibility where they could be of help or anyone they knew who could be of help. Council Members Vasquez and Sekula-Gibbs absent.

Upon questions by Council Members, Ms. Banks stated that the current damage was the City's problem and five different inspectors were all out there yesterday and today and said that it was the City's problem but there were so many people they had to call and contact to try to get it fixed and in the meantime they had sewage backing up in their church. Council Members Tatro and Vasquez absent.

Mayor Brown stated that Mr. Norman would meet with her right now and would make sure that he would follow through to do everything that possibly could be done to make a difference. Council Members Tatro and Vasquez absent.

Ms. Rebecca Perez, 3014 Wind Chase Blvd., Houston, Texas 77082 (281-556-8291) had reserved time to speak, but was not present when her name was called. Council Members Tatro and Vasquez absent.

Dr. Motapa, 6425 Woodard, Houston, Texas 77021 (713-645-9598) had reserved time to speak, but was not present when his name was called. Council Members Tatro and Vasquez absent.

Ms. Shon Norman, 1001 Federal, Houston, Texas 77013 (713-637-8300) had reserved time to speak, but was not present when her name was called. Council Members Tatro and Vasquez absent.

Mr. Sam Pean, 11219 Sagewood, Houston, Texas 77089 (281-481-2988) appeared and stated that he was present regarding Mr. and Mrs. Reyes who had a taqueria on Broadway and had a new place that was supposed to be open at 8122 Brockton, that what had happened was that the permit was issued and they were about through and someone complained, that the restrictions were the ones that would be in question, that he had passed out a handout to the Council Members and stated that he felt they broke the restrictions the day they wrote it and filed it, that it said to any person or persons of African decent, not to let them have any lots, that he took issue with that because when he was a kid he got thrown out of restaurant because he was Spanish and therefore the restrictions as far as he was concerned were broken, but if they go and take the restrictions as they were the people who had been there had let other people open businesses, wide open and therefore had not bothered to stop anyone and now they reached a point here, after so many years, they were going to go ahead and complain and stop and therefore they lost their right because they should have gone ahead and complained long before this, so the restrictions were broken, that he had pictures of properties all over that place,

everywhere, and so he was present to speak for them to see that the City Council would lend their helping hand, because they were the leaders and were the ones who would guide them in the right direction, that he did not come harsh against anyone. Council Members Tatro and Vasquez absent.

Mayor Brown asked Mr. Pean what he was asking them to do, and Mr. Pean stated that it was very simple, they were even offering a hold harmless agreement letter saying that they would leave the City free and clear from any and all lawsuits and obligations or costs that would come up, that they just wanted to open their place, that they were finished and the City approved all the job except for the final, to let them open their place because they would protect the City, they would sign the hold harmless agreement and that would release the City from it because the restrictions were broken. Council Members Tatro and Vasquez absent.

Council Member Alvarado stated that she had heard this from other associations about this particular language and would ask if the Legal Department could intervene or was it beyond the Legal Department to address the issue. Council Members Tatro and Vasquez absent.

Mr. Bibler stated that unfortunately that was common language in deed restrictions in Houston years ago and many of those deed restrictions had extended over the years, if they wanted to make it a policy that they did enforce any clause of deed restrictions that had that in there they would be glad to do that, but they needed to understand that would throw out a very substantial portion of deed restrictions in town, that it had been there practice to enforce other clauses of those deed restrictions. Council Members Tatro, Galloway and Vasquez absent.

Council Member Alvarado stated that was why she had asked the administration to implement the deed restriction tracking system to avoid problems like this one and it was unfair that they got it as it related to Mr. and Mrs. Reyes but yet they had other businesses that were operating and that was unfair. Council Members Tatro, Galloway and Vasquez absent.

After further discussion by Council Members, Mayor Brown stated that the option Mr. Pean had at this time was to pursue legal action with legal counsel and pursue it that way through the courts. Council Members Galloway and Vasquez absent.

Ms. Janice Blue, 1708 Rosewood, Houston, Texas 77004 (713-522-6899) appeared and voiced her personal opinions regarding the treatment of circus animals and read a letter written by Carol Buckley, Founder and Director of the Elephant Sanctuary. Council Members Galloway, Vasquez, Alvarado and Berry absent.

Mr. Lee Mercer, 4928 Winnetka, Houston, Texas 77021 (713-741-9656) appeared and stated that he was again present requesting a budget for his debriefing with the Police Department, and Mayor Brown stated that they had a pretty tight budget this year and every department had to cut back on their budget and when they finished the budget there was nothing left to give him and that was where they were now. Council Members Galloway, Vasquez, Alvarado and Berry absent.

President Joseph Charles, 8034 Antoine, No. 107, Houston, Texas 77088 (713-878-2355) had reserved time to speak, but was not present when his name was called. Council Members Galloway, Vasquez, Alvarado and Berry absent.

Reverend John Banks, 8700 Talton, Houston, Texas 77028 (281-812-7650) appeared and reiterated the flooding and sewage problems that his wife, Mrs. Banks had stated earlier. Council Members Galloway, Vasquez, Alvarado and Berry absent.

Mayor Brown stated that he was told there were some people working out there now and had asked Mr. Norman to meet with him and do everything that could be done to correct the problem. Council Members Galloway, Vasquez and Berry absent.

At 3:41 p.m. the City Council recessed until 9:00 a.m., Wednesday, July 17, 2002. Council Member Wiseman out of the city on personal business. Council Members Galloway, Vasquez and Berry absent.

City Council Chamber, City Hall, Wednesday, July 17, 2002

City Council reconvened in the City Council Chamber at 9:00 a.m. Wednesday, July 17, 2002, with Mayor Lee P. Brown presiding and with Council Members Bruce Tatro, Carol M. Galloway, Mark Goldberg, Ada Edwards, Addie Wiseman, Mark Ellis, Bert Keller, Gabriel Vasquez, Carol Alvarado, Annise Parker, Gordon Quan, Shelly Sekula-Gibbs, M.D., Michael Berry and Carroll Robinson; Mr. Al Haines, Chief Administrative Officer, Mayor's Office; Mr. Paul Bibler, Senior Counsel, City Attorney's Office; Ms. Martha Stein, Agenda Director present.

At 8:30 a.m. the City Secretary read the descriptions or captions of items on the Agenda.

At 9:12 Mayor Brown reconvened the meeting of the City Council and stated that the first order of business was a public hearing. Council Members Goldberg, Ellis, Alvarado and Robinson absent.

HEARINGS

1. PUBLIC HEARING to consider the creation of a Reinvestment Zone for **LANDRY'S MANAGEMENT L.P. - DISTRICT I - ALVARADO - 9:00 A.M.**

The City Secretary stated that no one had reserved time to appear at the hearing and Mr. Calderon, Planning Department, would make a presentation.

Mr. Calderon stated that this morning's hearing was on the proposed creation of a Tax Abatement Reinvestment Zone for Landry's, that the City of Houston received a tax abatement application from Landry's Management L.P. on March 21, 2002, that application was supplemented with additional information on June 26, 2002 and considered complete at that time, that Landry's Restaurants Inc. was the Nation's second largest operator of casual dining seafood restaurants, primarily under the trade names of Joe's Crab Shack, Landry's Seafood House, Crab House and the Rain Forest Café, that Landry's, through predecessor entities, had been in business since 1981 and had its headquarters located in Houston, Texas, in 1996 Landry's, through Fertita Hospitality Incorporated, entered into the hospitality business in Galveston first with the purchase and renovation of the 246 room San Luis Hotel, in that same year the company also purchased and renovated the 150 room Hilton Hotel in Galveston, in 1998, two years later, the company built the 52 room Boardwalk Inn in Kemah, the proposed project before them involved the converting of the old World Trade Center Building located at 1520 Texas Avenue into a 201 room full service hotel, the building was located immediately cater-corner to Minute Maid Park on the City block bounded by Texas, Crawford, Capital and LaBranch, that Landry's Management L.P., the management subsidiary for Landry's Restaurants Incorporated, was anticipated to be both the owner and the operator of the proposed hotel, that this modernization project would generate a total investment of approximately \$37.1 million of which \$22 million or so would be subject to the abatement, that if the abatement was approved the City's average annual income was estimated to go up by \$113,000, after the abatement period they anticipated that the average annual income to the City would increase by \$184,000 over current revenues, that the applicant had requested the approval of two variances for this project, the first would authorize an abatement on the hotel facility, the second would delay the start of the abatement to January 1, 2004, that Landry's had also requested that City Council consider the approval of a Convention Services Agreement and rebate of hotel occupancy taxes, similar to those agreements previously approved by the City Council for the Magnolia and the

Sam Houston Hotels, that the City has approved similar tax abatement agreements for the redevelopment of the White Hall back in 1996 and its ultimate conversion into a Holiday Inn Crowne Plaza, that Mr. Schinthall, Vice President and General Counsel, was present and available to answer any questions that Council might have regarding this project, and that concluded his remarks. Council Members Goldberg and Vasquez absent.

Council Member Sekula-Gibbs asked if Mr. Calderon would please pass around copies of his report to the Council Members, and Mr. Calderon stated that he would be more than happy to do that, and Council Member Sekula-Gibbs asked how valuable was this to the citizens of Houston, and Mr. Calderon stated that the abatement would be a ten year period on the tax abatement, that ad valorem taxes on the hotel itself, that the HOT taxes were seven years, that from the analysis that they had provided to Council they demonstrated that the actual revenue to the City would increase, even during the abatement period, over current revenues by an estimated \$113,000, so that was additional revenue to the City's general coffers and would go to support municipal services throughout the City, that their tax program was actually a phase in and over the first three years they would pay no ad valorem taxes on approximately \$22 million worth of that investment, they would pay 100% taxes on the personal property associated with the same which was estimated to be somewhere in the vicinity of about another ten and would also get 100% of the taxes on the land, so actually revenue into the City during the abatement period in year one was going to increase by about \$50,000 just on built property alone, that the average annual abatement to the company was about \$72,000, that in terms of revenue for jobs and creation of business, of the \$113,000 that was increased in revenue to the City they were estimating a significant amount of that would be attributable to the job creation, according to their analysis they were expecting just over \$32,000 in increased sales tax revenue attributable to the jobs; that the Tax Abatement Ordinance had seven different categories of business that could be granted a tax abatement without a variance, but the ineligible project category list was a variable provision of the Tax Abatement Ordinance, so effectively Council had the ability to grant tax abatements to anyone whom they would deem would be an appropriate business venture for the City to partner with, generally when they looked at this things what they tried to do was analyze them from the overall benefit that they give to the City and they try to determine whether in fact there was going to be an increase in revenue to the City, even with the abatement, if they could not demonstrate that there would be an increase in revenue they generally would not be inclined to recommend it to City Council, that they continue to monitor it, when they receive the annual reports from the applicant company and were in constant dialog with the appraisal district, who also monitors for contracting clients, that at the end of year three, after the applicant company had completed both its investment and job creation period pursuant to the contract, they send out an audit team and they validate that in fact they had made the investment and in fact created the jobs committed to in the contract, and if they had not then they bring them back to City Council for a resolution. Council Member Berry absent.

Council Member Robinson moved to close the hearing, seconded by Council Member Tatro. All voting aye. Nays none. MOTION 2002-0845 ADOPTED.

Council Member Robinson moved to suspend the rules to consider Item No. 43 out of order, seconded by Council Member Tatro. All voting aye. Nays none. MOTION 2002-0846 ADOPTED.

43. ORDINANCE approving and authorizing an amended and restated loan agreement between the City of Houston and **PH CRESCENT PARK, LLC** to Restructure an existing \$1,850,000.00 loan as a Performance-Based Loan with a twenty year term and to increase the loan by an additional \$516,367.00 of Federal "Home" Funds, in connection with a 436-Unit Apartment Project located at 2310 Crescent Park Drive to provide housing for low-income persons - **DISTRICT G - KELLER - (This was Item No. 21 on Agenda of July 10, 2002, TAGGED BY COUNCIL MEMBERS WISEMAN, TATRO and SEKULA-GIBBS)** - was presented.

Council Member Keller stated that he had a written amendment in reference to Item 43 and moved that Item 43 be amended to reflect the following changes, "whereas Pleasant Hill CDC as sole share holder of PH Crescent Park L.L.C. must pay all delinquent and owed taxes at or before closing in order to receive funding of said loan", seconded by Council Member Galloway.

Council Member Ellis stated that he wanted to applaud Council Member Keller for his amendment and asked that everybody support it, that they had passed around some documents that they received from the Tax Assessor Collector's Office that showed that the CDC owned about \$231,000 in delinquent taxes to the City of Houston, Houston Community College and HISD, so he would strongly encourage and urge his colleagues to vote for Council Member Keller's amendment. Council Member Goldberg absent.

Council Member Alvarado stated that she too wanted to go on record supporting it and applauded Council Member Keller for bringing it to the table and would ask that they also apply this same policy on future projects. Council Member Goldberg absent.

Council Member Sekula-Gibbs stated that she to would like to congratulate the group who had taken a deep interest in this and to support Council Member Keller's effort to make sure that things were staying open and ethical and asked why did it take so long for the information to come to the City Council, and Mr. Haines stated that he could only comment that it was a matter of public record, the tax rolls were available and thought it was a consistent policy with what Council Member Keller talked about during the budget process, it had been, he thought, disclosed several months ago, that there were delinquent taxes owed. Council Member Goldberg

Council Member Robinson stated that the last time the item came before them it was disclosed that there were delinquent taxes and that the plan was at closing to pay off the delinquent taxes and so he was glad that Council Member Keller made this expressly clear by amending the item and agreed that as they go forward they ought to adopt that policy and stated to Council Member Alvarado that he hoped they would include that as part of her efforts in the Legislative Committee because there were some questions in a number of areas of folks owing the City money and the contracting opportunities, so he hoped they could clean that whole thing up as they went forward.

Council Member Tatro stated that he wanted to thank Council Member Keller for putting it on the table and wanted to take the opportunity to mention another issue and that was the pilot program, that he knew they put the feelers out for the pilot process and would hope that it began before they moved forward with any other loans to non profits that they have a solidified pilot program in place which incorporated the County's and school district's interests specifically because the City would be the catalyst for putting the loans together to possibly remove properties from the tax rolls, that they had a significant obligation, in his opinion, to make sure the school districts and the County were protected and all the other taxing entities.

A vote was called on Council Member Keller motion to amend Item No. 43. All voting aye. Nays none. MOTION 2002-0847 ADOPTED.

A roll call vote was called on Item No. 43 as amended.

ROLL CALL VOTE:

Mayor Brown voting aye	Council Member Vasquez voting aye
Council Member Tatro voting no	Council Member Alvarado voting aye
Council Member Galloway voting aye	Council Member Parker voting aye
Council Member Goldberg voting no	Council Member Quan voting aye
Council Member Edwards voting aye	Council Member Sekula-Gibbs voting no
Council Member Wiseman voting aye	Council Member Berry voting no
Council Member Ellis voting no	Council Member Robinson voting aye
Council Member Keller voting aye	ORDINANCE 2002-0660 ADOPTED.

MAYOR'S REPORT

CONSENT AGENDA NUMBERS 2 through 36

ACCEPT WORK - NUMBERS 3 through 9

3. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$2,950,831.10 and acceptance of work on contract with **PEDKO PAVING, INC** for Neighborhood Street Reconstruction Project No. 432, GFS N-0364-01-3 (N-0364-01-3) - 02.12% under the original contract amount - **DISTRICT D - EDWARDS** - was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. MOTION 2002-0848 ADOPTED.
6. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$318,687.60 and acceptance of work on contract with **DCE CONSTRUCTION, INC** for Construction of 1999 Safe Sidewalk Program, GFS N-0610A-Q7-3 (N-0610A-06) - 00.84% under the original contract amount - **DISTRICTS B - GALLOWAY and H - VASQUEZ** - was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. MOTION 2002-0849 ADOPTED.
8. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$1,108,082.59 and acceptance of work on contract with **WHEATON CONSTRUCTION CORPORATION, INC** for Water Main and Sanitary Sewer Extensions at various locations in Houston, GFS R-0801-C0-3 (10561-3) - 06.38% under the original contract amount - **DISTRICTS A - TATRO; B - GALLOWAY; C - GOLDBERG; G - KELLER; H - VASQUEZ and I - ALVARADO** - was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. MOTION 2002-0850 ADOPTED.
9. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$2,280,772.21 and acceptance of work on contract with **RELIANCE CONSTRUCTION SERVICES, L.P.** for Construction of Water Main Replacement in Grand Park Subdivision, GFS S-0035-47-3 (10547) - 02.27% over the original contract amount - **DISTRICT D - EDWARDS** - was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. MOTION 2002-0851 ADOPTED.

PURCHASING AND TABULATION OF BIDS - NUMBERS 10 through 12

10. **DECALS, INC GRAPHICS** for Automotive, Police Car Decals for Houston Police Department \$238,126.50 - General Fund - was presented, moved by Council Member

Keller, seconded by Council Member Vasquez. All voting aye. Nays none. MOTION 2002-0852 ADOPTED.

11. **J & N INTERNATIONAL COATINGS, INC** for Heights Water Plant Improvements for Department of Public Works & Engineering - \$177,000.00 and contingencies for a total amount not to exceed \$185,850.00 - Enterprise Fund - was presented, moved by Council Member Keller, seconded by Council Member Vasquez. All voting aye. Nays none. MOTION 2002-0853 ADOPTED.

ORDINANCES - NUMBERS 14 through 36

16. ORDINANCE approving and authorizing amendment No. 4 to lease agreement between **FRAYDUN ENTERPRISES**, as landlord, and the City of Houston, Texas, as tenant, for space at 3838 North Sam Houston Parkway East, Houston, Texas, for use by the Department of Aviation **DISTRICT B - GALLOWAY** had not been received, and the City Secretary announced it would be considered at the end of the Agenda if received during the meeting.
17. ORDINANCE approving and authorizing an application for grant assistance from the **TEXAS PARKS AND WILDLIFE DEPARTMENT** for the Improvements to City's Crestmont Park Community Center; declaring the City's eligibility for such grant; authorizing the Director of the Parks & Recreation Department to act as the City's representative in the application process; authorizing the Director of the Parks & Recreation Department to accept such grant funds; if awarded, and to apply for and accept all subsequent awards, if any, pertaining to the program **DISTRICT D - EDWARDS** - was presented. All voting aye. Nays none. ORDINANCE 2002-0661 ADOPTED.
20. ORDINANCE appropriating \$52,000.00 out of the Lamar Terrace Public Improvement District (PID) No. 2 Fund (Fund No. 253) for payment of certain costs and expenses associated with the Implementation of the Lamar Terrace PID No. 2 Service and Assessment Plan - **DISTRICT C - GOLDBERG** had not been received, and the City Secretary announced it would be considered at the end of the Agenda if received during the meeting.
29. ORDINANCE appropriating \$45,595.00 out of Public Library Consolidated Construction Fund and approving and authorizing second amendment to professional architectural services contract between the City of Houston and **RAY BAILEY ARCHITECTS, INC** for Professional Architectural Services in connection with the Stella Link Branch Library (as approved by Ordinance No. 01-0874), GFS E-0022-01-2 - \$10,000.00 - Urban Library and Program Fund - **DISTRICT C - GOLDBERG** had not been received, and the City Secretary announced it would be considered at the end of the Agenda if received during the meeting.
31. ORDINANCE awarding construction contract to **PATE & PATE, LLC** for Water, Wastewater and Stormwater Lines for Section Five of the Greenpark Subdivision, CIP S-0800-42-3, S-0800-43-3, R-0800-48-3 and R-0800-49-3; approving and authorizing an assignment of the construction contract to **NUHOME DESIGNS, LLC - DISTRICT D - EDWARDS** - was presented. All voting aye. Nays none. ORDINANCE 2002-0662 ADOPTED.
33. ORDINANCE appropriating \$1,294,992.00 out of Public Library Consolidated Construction Fund, awarding construction contract to **SPAWGLASS CONSTRUCTION CORPORATION** and approving and authorizing professional services contract for engineering testing services with **FUGRO SOUTH, INC** for W. L. D. Johnson Branch Library Repair, GFS E-0113-02-3; providing funding for contingencies relating to

construction of facilities financed by the Public Library Consolidated Construction Fund - **DISTRICT D - EDWARDS** - was presented. All voting aye. Nays none. ORDINANCE 2002-0663 ADOPTED.

MATTERS REMOVED FROM THE CONSENT AGENDA WERE CONSIDERED AS FOLLOWS:

MISCELLANEOUS

2. ORDINANCE appropriating \$152,433.00 out of General Improvements Consolidated Construction Fund as an additional appropriation for Municipal Courts Flood Repair and HVAC Retrofit under construction contract with **SPAWGLASS CONSTRUCTION CORPORATION**, CIP D-0044A-01-3; approved by Ordinance No. 02-011; providing funding for contingencies relating to construction of facilities financed by the General Improvements Consolidated Construction Fund - **DISTRICT H - VASQUEZ** - was presented. All voting aye. Nays none. ORDINANCE 2002-0664 ADOPTED.
- 2A. RECOMMENDATION from Director Building Services Department for approval of Change Order No. 2 in the amount of \$152,433.00 on contract with **SPAWGLASS CONSTRUCTION CORPORATION** for Municipal Courts Flood Repair and HVAC Retrofit, GFS D-0044A-01-3 **DISTRICT H - VASQUEZ** - was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. MOTION 2002-0854 ADOPTED.

ACCEPT WORK

4. RECOMMENDATION from Director Department Public Works & Engineering for approval of final contract amount of \$4,821,158.93 and acceptance of work on contract with **RAMOS INDUSTRIES, INC** for Neighborhood Street Reconstruction in Briargrove Subdivision, Phase I - NSR #436-01, GFS N0368-01-3 (N-0368-01) - 01.08% over the original contract amount **DISTRICT G - KELLER** - was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. MOTION 2002-0855 ADOPTED.
5. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$284,487.25 and acceptance of work on contract with **CAAN CONSTRUCTION SERVICES, INC** for Construction of 1998 Thoroughfare Sidewalk Program, GFS N-0610A-00-3 (N-0610A-00) - 03.66% under the original contract amount **DISTRICTS C - GOLDBERG; F - ELLIS and G - KELLER** - was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. MOTION 2002-0856 ADOPTED.
7. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$389,913.47 and acceptance of work on contract with **CAAN CONSTRUCTION SERVICES, INC** for Construction of 1999 Safe Sidewalk Program, GFS N-0610A-T6-3 (Package T3) - 02.62% over the original contract amount - **DISTRICTS F - ELLIS and G - KELLER** - was presented, moved by Council Member Quan, seconded by Council Member Vasquez. All voting aye. Nays none. MOTION 2002-0857 ADOPTED.

PURCHASING AND TABULATION OF BIDS

12. **STAR AUTOMOTIVE WAREHOUSE** for Automotive, Associated Replacement Parts Contract for Various Departments - \$7,428,821.00 - General, Enterprise and Fleet

Management Funds - was presented, and tagged by Council Member Wiseman.

ORDINANCES

13. ORDINANCE amending **CHAPTER 18 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to application of the Campaign Finance Ordinance to Officers of Nonprofit Corporations; containing other provisions relating to the foregoing subject; providing for severability - was presented.

Council Member Quan stated that as they discussed, the item related to issues concerning campaign financing and moved to postpone Item No. 13 for 4 weeks so they could take it before the Ethics Committee to review the item more fully, seconded by Council Member Vasquez. All voting aye. Nays none. MOTION 2002-0858 ADOPTED.

Mayor Brown stated that Item 13 was postponed for 4 weeks and in the interim would be reviewed by the Ethics Committee.

14. ORDINANCE finding and determining that public convenience and necessity no longer require the continued use of a 10-foot-wide utility easement, containing 1,979 square feet of land, more or less, Parcel SY2-018A and two portions of the Mt. Pleasant Street street right of way, Parcels SY2-018B and SY2-022, containing 4,505 and 11,745 square feet of land, more or less, respectively, all three parcels being located in the Louis Gladitch Survey, A-304, Houston, Harris County, Texas; vacating and abandoning (i) Parcels SY2-018A and SY2-018B to Scott Street Limited Partnership, abutting owner and (ii) Parcel SY2-022 to Missionary Village Apartments Company, abutting owner, in consideration of the owners' dedication of two easements for street right of way purposes, two easements for waterline purposes and an easement for utility purposes containing an aggregate of 12,267 square feet of land, more or less, and payment of \$5,996.00 and other consideration to the City - was presented, and tagged by Council Member Edwards.
15. ORDINANCE consenting to the addition of 57.072 acres of land to **SPRING CREEK UTILITY DISTRICT**, for inclusion in its district - was presented, and tagged by Council Member Goldberg.
18. ORDINANCE approving the transfer to **TEXAS GENCO, LP, a Texas Limited Partnership**, of an existing franchise issued to **HOUSTON LIGHTING & POWER COMPANY** to Transport Fuel Oil and Natural Gas underneath certain public street rights of way of the City of Houston, Texas; containing findings and prescribing the conditions and provisions under which said transfer is issued - was presented. All voting aye. Nays none. Council Member Sekula-Gibbs absent. ORDINANCE 2002-0665 ADOPTED.
19. ORDINANCE approving and authorizing contracts between the City and **A-1 PERSONNEL OF HOUSTON, INC, ALL TEMPS PERSONNEL SERVICE, INC, ALLTECH SYSTEMS, INC, ALSO TEMPS INC, BERGAILA & ASSOCIATES, INC, CRINER-DANIELS & ASSOCIATES, INC, DATALOGIC CONSULTING, INC, ELITE PERSONNEL CONSULTANTS, INC D/B/A EVINS TEMPORARIES, EXECUTEAM CORPORATION, HALL, KINION & ASSOCIATES, INC, MANAGED STAFFING D/B/A BESTSTAFF SERVICES, INC** and **SILVER & ASSOCIATES, INC** for Temporary/Information Technology Staffing for the Human Resources Department; providing a maximum contract amount - \$8,000,000.00 - Central Services Revolving Fund - was presented. All voting aye. Nays none. ORDINANCE 2002-0666 ADOPTED.
21. ORDINANCE appropriating \$2,419,831.00 out of Street & Bridge Consolidated Construction Fund and \$56,669.00 out of Water & Sewer System Consolidated Construction Fund approving and authorizing an Interlocal Agreement between the City of

Houston and **METROPOLITAN TRANSIT AUTHORITY (METRO)** for the Widening and Extension of Fannin Street from IH 610 to West Bellfort Road, CIP N-0714-01-3 (SB9107); providing funding for contingencies relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund and the Water & Sewer System Consolidated Construction Fund - **DISTRICT D - EDWARDS** - was presented. All voting aye. Nays none. ORDINANCE 2002-0667 ADOPTED.

22. ORDINANCE appropriating \$609,606.00 out of Street & Bridge Consolidated Construction Fund for City's cost participation in the construction of Bikeways for Medical Center/Greenway, Plaza/Galleria Bikeway Phase 2, Harrisburg/Sunset Rails to Trails Phase 2 and Central Business District Access On-Street Bikeways Phase 2 under agreement with **TEXAS DEPARTMENT OF TRANSPORTATION (TXDOT)** (approved by Ordinance No 95-1290), CIP N-0420-4A-3 (N-0420-4A-3); providing funding for contingencies relating to construction of facilities financed by Street and Bridge Consolidated Construction Fund - **DISTRICTS C - GOLDBERG; F - ELLIS; G - KELLER; H - VASQUEZ and I - ALVARADO** - was presented, and tagged by Council Member Tatro.
23. ORDINANCE appropriating \$147,000.00 out of Public Health Consolidated Construction Fund for Labor costs and other expenses related to In-House Capital Improvement Projects for the Houston Department of Health and Human Services (The "Department"), CIP H0062; declaring the Department's intent to reimburse the General Fund for expenditures relating to construction of facilities financed by the Consolidated Public Health Construction Fund - was presented.

Council Member Sekula-Gibbs stated that Item 23 was an item that dealt with refurbishing areas of the Health Department and some of it had to do with Riverside Clinic, that she was going to tag the item because she needed more information about why they supported a claim that there was toxic mold there. Mayor Brown absent. Mayor Pro Tem Quan presiding.

Council Member Alvarado asked if it was going to delay opening the clinic back up for providing services because folks in the Third Ward Community had complained about the clinic not being fully operational. Mayor Brown absent. Mayor Pro Tem Quan presiding.

Council Member Sekula-Gibbs stated that she would withdraw her tag on Item No. 23, that the comments she made were relative to Item No. 30. Mayor Brown absent. Mayor Pro Tem Quan presiding.

A vote was called on Item No. 23. All voting aye. Nays none. Mayor Brown absent. Mayor Pro Tem Quan presiding. ORDINANCE 2002-0668 ADOPTED.

24. ORDINANCE approving and authorizing agreement between the City of Houston and **PRICEWATERHOUSECOOPERS, L.L.P.** for Litigation Support Services - \$450,000.00 Enterprise and Property and Casualty Funds - was presented, and tagged by Council Members Ellis, Goldberg, Sekula-Gibbs, Tatro, Keller, Vasquez and Wiseman. Mayor Brown absent. Mayor Pro Tem Quan presiding.

Council Member Tatro stated that he was not sure how much backup was supplied for the item, he did not think it gave them a great in-depth detail, and Mayor Pro Tem Quan stated that it did not and knew that he had made an inquiry as to the status of the lawsuit himself so he appreciated the tag and Council Member Tatro requested a written summation from the Legal Department and Mayor Pro Tem Quan stated that they would get that for all Council Members because it seemed to be a complicated lawsuit dealing with the water treatment plant and why they were counter suing and why they needed to spend so much money. Mayor Brown absent. Mayor Pro Tem Quan presiding.

25. ORDINANCE appropriating \$1,995,491.00 out of Houston Airport System Consolidated 2001 NON-AMT Construction Fund, CIP A-0462, awarding construction contract to **METALS TREATMENT TECHNOLOGIES, L.L.C.** and approving and authorizing professional services contract for Environmental Engineering Services with **PSI, INC** for Firing Range Removal at George Bush Intercontinental Airport/Houston, Project 522L - **DISTRICT B - GALLOWAY** - was presented. All voting aye. Nays none. Mayor Brown absent. Mayor Pro Tem Quan presiding. ORDINANCE 2002-0669 ADOPTED.
26. ORDINANCE appropriating \$320,000.00 out of Fire Consolidated Construction Fund and approving and authorizing professional architectural services contract between the City of Houston and **PIERCE GOODWIN ALEXANDER AND LINVILLE, INC** for Design and Construction Phase Services for new Fire Station No. 24, GFS C-0051-01-2; providing funding for the Civic Art Program, Environmental Site Assessment and contingencies relating to construction of facilities financed by the Fire Consolidated Construction Fund - **DISTRICT D- EDWARDS** - was presented, and tagged by Council Member Goldberg. Mayor Brown absent. Mayor Pro Tem Quan presiding.
27. ORDINANCE appropriating \$273,400.00 out of Fire Consolidated Construction Fund and approving and professional architectural services contract between the City of Houston and **B2HK ARCHITECTURE** for Design and Construction Services for new Fire Station No. 84, GFS C-0056-02-2; providing funding for Civic Art Program and contingencies relating to construction of facilities financed by the Fire Consolidated Construction Fund - **DISTRICT B - GALLOWAY** - was presented. All voting aye. Nays none. Mayor Brown absent. Mayor Pro Tem Quan presiding. ORDINANCE 2002-0670 ADOPTED.
28. ORDINANCE appropriating \$271,200.00 out of Fire Consolidated Construction Fund and approving and authorizing professional architectural services contract between the City of Houston and **NATEX CORPORATION ARCHITECTS** for Design and Construction Phase Services for new Fire Station No. 86, GFS C-0061-01-2; providing funding for the Civic Art Program and contingencies relating to construction of facilities financed by the Fire Consolidated Construction Fund - **DISTRICT G- KELLER** - was presented. All voting aye. Nays none. Mayor Brown absent. Mayor Pro Tem Quan presiding. ORDINANCE 2002-0671 ADOPTED.
30. ORDINANCE appropriating \$169,500.00 out of Public Health Consolidated Construction Fund and approving and authorizing professional architectural services contract between the City of Houston and **LEVY ASSOCIATES ARCHITECTS, INC** for Renovation of Riverside Health Center, GFS H-0052-01-2; providing funding for project management and contingencies relating to construction of facilities financed by the Public Health Consolidated Construction Fund **DISTRICT I - ALVARADO** - was presented.

Council Member Sekula-Gibbs moved to suspend the rules to hear from Ms. Ollie Schiller, Building Services. All voting aye. Nays none. Mayor Brown absent. Mayor Pro Tem Quan presiding. MOTION 2002-0859 ADOPTED.

Upon questions by Council Members, Ms. Schiller stated that she was with Building Services, that the decision to close the facility was always made by the client or owning department, they did provide support and recommendation and information but the ultimate decision lay with the owning department, that when they get in the scientific and more specific information on toxic mold she was not personally qualified to discuss it in depth but would like to offer to meet with her and have an extensive conversation on that with their people who were qualified and were environmental people, that the building had a moisture control issue due to a leaking roof and also had some foundation issues due to moisture control problems and drainage issues and those had to be addressed, that moisture control problems could lead to a mold and mildew situation, sometimes those contained those 24 molds that had now been

identified by industrial hygienists and people like that as “toxic”, they do not close facilities just because there was mold in a facility, but they had a number of facilities in the past year that had been identified as mold, they also did not necessarily close a facility just because one of those 24 had been identified, that it was contingent upon the location and if it could be contained and isolated, if it was in an air conditioning system, as was found at Riverside, the industrial hygienist and the environmental consulting people recommend that they vacate the facility, that the facility was now closed and any delay of the item would impact the construction schedule, it was one of the most heavily utilized facilities, that the mold was initially identified during a routine monthly inspection by the Health Department, that they did some indoor air testing with their own equipment and people and then contacted the Building Services Department for additional assistance because they had a number of consulting contracts with environmental consultants, they then retained an environmental consultant with an industrial hygienist to go out and perform additional testing and assessment and that was who determined and found the existence of one of the particular toxic type or one of the molds that was on the list considered to be toxic, at that time they provided the information to the Health Department and the decision was made to close the facility, that the consultant was retained on March 27, 2002 and the inspections were done that same week, that it was three months, that it was carefully thought through and did not think they knee jerk reacted and did appreciate Council Member Sekula-Gibbs concerns of if it was scientifically proven and at the same time Building Services recognizes that the City of Houston was here to protect the citizens, they were also an employer and had an obligation to provide their employees with a safe and comfortable work environment, therefore they may have taken a conservative position, at the same time they felt it was a good position for the City to take at this time, that she believed there were two fire stations that were closed for mold, that in the past year she believed this had been the fourth facility that had been temporarily closed to remediate mold, there were a number of other facilities in which mold was identified, however it could be contained or remediated without vacating the facility. Council Member Ellis absent.

After further discussion a vote was called on Item No. 30. All voting aye. Nays none. Council Member Ellis absent. ORDINANCE 2002-0672 ADOPTED.

32. ORDINANCE appropriating \$211,202.71 out of General Improvement Consolidated Construction Fund, awarding construction contract to **JERDON ENTERPRISE, L.P.** and approving and authorizing professional services contract for engineering testing services with **HBC ENGINEERING, A Division of TERRACON, INC** for construction of Shady Grove Plaza, GFS D-0100-10-3 - **DISTRICT H - VASQUEZ** - was presented, and tagged by Council Member Parker. Council Member Ellis absent.

Council Member Parker stated that she was told the project was begun under a previous administration and there was not anyone around the table who was in Council when that decision was made and she could not find that it had ever been brought before Council when it was initially begun and wanted to see that and had not seen any design work up, any pictures or drawings and would like to get some information, and Mayor Brown asked Mr. Haines to take care of it for the Council Member.

34. ORDINANCE appropriating \$3,151,387.15 out of Water & Sewer System Consolidated Construction Fund, awarding construction contract to **PM CONSTRUCTION & REHAB, L.P.** for Sanitary Sewer Rehabilitation by Sliplining and Pipebursting Methods, GFS R-0266-S5-3 (WW4257-37); providing funding for engineering testing services and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - was presented. All voting aye. Nays none. ORDINANCE 2002-0673 ADOPTED.
35. ORDINANCE appropriating \$7,225,900.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **CONTRACTOR TECHNOLOGY, INC** for 36-inch Water line along Beamer Road from Dixie Farm Road to W. Bay Area Boulevard, GFS

S-0900-78-3 (10575); providing funding for engineering testing, construction management, and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICT E - WISEMAN** - was presented. All voting aye. Nays none. ORDINANCE 2002-0674 ADOPTED.

36. ORDINANCE appropriating \$2,545,000.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **KINSEL INDUSTRIES, INC** approving and authorizing professional services contract for engineering testing services with **STORK SOUTHWESTERN LABORATORIES, INC** and approving and authorizing professional services contract for construction management and inspection services with **BRIAN SMITH CONSTRUCTION INSPECTION, INC** for Rehabilitation and Relief Sewers in Southwest Service Area and Beltway Service Area, (SW003, SW006, SW007 and BW241), GFS R-2011-23-3 (WW4763-03); providing funding for contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICTS C - GOLDBERG and F - ELLIS** - was presented. All voting aye. Nays none. ORDINANCE 2002-0675 ADOPTED.

NON CONSENT AGENDA - NUMBER 37

MISCELLANEOUS

37. **SET A PUBLIC HEARING DATE** to consider the creation of a Reinvestment Zone for **KERR-MCGEE OIL & GAS CORPORATION - DISTRICT B - GALLOWAY SUGGESTED HEARING DATE - 9:00 A.M. - WEDNESDAY - 2 WEEKS FROM DATE OF PASSAGE** - was presented.

Council Member Galloway moved to set the hearing for July 31, 2002, seconded by Council Member Sekula-Gibbs. All voting aye. Nays none. MOTION 2002-0860 ADOPTED.

MATTERS HELD - NUMBERS 38 through 44

38. ORDINANCE amending **CHAPTERS 8 and 28 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to the location and operation of Automobile Storage Lots, Automobile Wrecking and Salvage Yards and Lots used for open storage by Junk Dealers, Scrap Metal Processors and Second Hand Dealers near Churches, Schools or Residences; containing other provisions relating to the foregoing subject; providing for severability - **(This was Item 85 on Agenda of June 19, 2002, POSTPONED BY MOTION #2002-772)** - was presented.

The City Secretary stated that she wanted to remind the Council Members that there was a revised ordinance sent out by the Legal Department and indicated "should Council find this revised version preferable to the one now on the Council table, then one of the Council Members could offer it as a substitute".

Council Member Ellis stated that he did not want to offer the revised amendment by the Legal Department because after talking with Mr. Bibler he did not think it was really necessary to have that amendment apply and that it was the amendment that also incorporated the driveway as well and he was opposed to that because basically what it would do was cause problems for the pending storage lots that were already in place, because they would be subject to a further restriction, that was his understanding from some of the conversation he had with Mr. Bibler on Monday and asked Mr. Bibler if he was wrong.

Mr. Bibler stated that when they last visited upon the issue a month ago there was a concern that if someone was using the alternate procedure and their piece of property was

landlocked in the sense that they did not have direct access from a public road it would count their egress route across the abutting property to get back to the facility, that they drafted some language to that affect and submitted it to the subcommittee of the auto board that had been looking at it, they did not take any formal action but they seemed to support that language if that was their preference, but either way they wanted to enter it was fine with the Legal Department, but technically right now if someone owned a landlocked piece of property he supposed they would not measure to their access road anyway and the concern seemed to be about the noise created by vehicles, tow trucks and other such vehicles, carrying merchandise and bringing vehicles back and forth to the facilities and he supposed whether they were going down a public street or private road that noise was going to exist 24 hours a day anyway.

Council Member Ellis asked Mr. Bibler that based on what the Request for Council Action as presented here today would it rectify the problem that they had where if somebody may be leasing a small portion of the property and that they were measuring from the outside boundary lines over to the affected area, and Mr. Bibler stated that both versions did that, and Council Member Ellis asked what was the difference in the version that was presently posted and the amendment and Mr. Bibler stated that as to the amendment, this was an issue that as he said was raised four weeks ago that what if the portion of the property that was being for the automobile graveyard or whatever was landlocked, did not have direct access to the street and someone was using an ingress/egress route across private property to get back to it, would they count that ingress/egress route under the 300 foot measurement and it said yes they would in the alternate version, and Council Member Ellis stated that he would be opposed to it, so he would be opposed to it so he would request that they adopt the Council action as posted by the administration, and Mayor Brown stated that was all that was before them right now.

Council Member Parker stated that had questions for Mr. Bibler and while she did not have objections to what was before them, she actually believed they would have a better ordinance if they adopted the alternate and asked Mr. Bibler if this would only impact existing businesses that were covered by an alternate method of determining their distance from residences, was it only those that were landlocked or was it all of those, and Mr. Bibler stated that it would not affect any existing business because existing businesses should have qualified under the ordinance as it read now, all this did was add an alternative measurement procedure to the ordinance that they could use in lieu of the one they had now, that if existing business wanted to add on some additional piece of property to their business that they did not own they could take advantage of this to have their property re-measured and re-qualified if they wanted to expand it, but the people who were out there now should be 300 feet that was measured from the property line, unless they were folks who were there when the ordinance was originally adopted in which case they had a grandfather, that it did not affect anyone's grandfather, and Council Member Ellis stated that with that explanation he did not have a problem, he just wanted to make sure that all of the storage lots that were presently out there would be grandfathered and then any new permits that were to be issued, not renewals, but brand new permits would be affected by the ingress and egress, and Mr. Bibler stated that was correct and then only to the extent that they elect the alternate procedure of measuring to their place of operation as opposed to their property line. Council Member Tatro absent.

Council Member Ellis moved to offer the amendment as written by the Legal Department, seconded by Council Member Parker. Council Member Tatro absent.

Council Member Parker stated that she received a call from an existing storage lot that had, she believed, a 400 foot parking lot between their building and the public street and they were an existing licensed storage lot and were concerned that somehow they were legally operating now and she just wanted to make sure they would still be able to legally operate and Mr. Bibler stated that he heard that and the amazing thing was that, he thought, the principal client for the person who suggested the change and the only thing that he could suggest was that either they were operating illegally now or there was some explanation that had not been provided to him, that he was assuming that they were legal but did not know, that there were a

lot of facts he did not know, like whether they owned the property or not or whether the place they were talking about was a public street or not, that this did not affect their grandfathering but he could not say what would happen if they had been operating illegally all of these years, it would not give them a buy that they did not have now, that this did not affect that. Council Member Berry absent.

After further discussion a vote was called on the motion to substitute the revised ordinance for Item No. 38. All voting aye. Nays none. Council Member Berry absent. MOTION 2002-0861 ADOPTED.

A vote was called on Item No. 38 as substituted. All voting aye. Nays none. Council Member Berry absent. ORDINANCE 2002-0676 ADOPTED.

39. MOTION by Council Member Quan/Seconded by Council Member Tatro to adopt recommendation from Director Department of Public Works & Engineering for approval of final contract amount of \$838,815.22 and acceptance of work on contract with **SCI CONSTRUCTORS, INC** for Construction of Neighborhoods to Standard - Tier VI Brookhaven Overlay Project, GFS Q-1143-01-3 (243-98) - 00.47% under the original contract amount **DISTRICT D - EDWARDS - (This was Item 7 on Agenda of July 10, 2002, TAGGED BY COUNCIL MEMBER EDWARDS)** - was presented. Council Member Berry absent.

Council Member Edwards stated that in talking with people about the issue she had to bring it up to Council, this was overlay work and in the geo technical report it was advised that the overlay would not run its true normal course because of the drainage problems and the drainage problems were not addressed and they overlaid it anyway and so now within two years the overlay was sinking because of the drainage problems that were not addressed, having eroded the land under the streets, and so the whole street was kind of falling apart and the normal life of the overlay, as she understood it, was supposed to be eight to ten years or some of that matter and this was two years into the life of this street, that now the residents of the area were once again in a real catch 22, the money had been spent and she thought it was spent unwisely so she would just like to say on record, when they did overlays, especially in older areas like the Sunnyside area who had drainage problems, that it be an issue that was always brought into mind as to what was the integrity of the land that they were working with and what were the surrounding problems and just to overlay to quite residents was not good enough, that she thought they did a disservice to the residents, that she would vote for the item because the contractor did what they were supposed to do, and Mayor Brown stated that they would get that message to the Public Works director. Council Member Berry absent.

A vote was called on Item No. 39. All voting aye. Nays none. Council Member Berry absent. MOTION 2002-0862 ADOPTED.

40. MOTION by Council Member Quan/Seconded by Council Member Tatro to adopt recommendation from Finance & Administration Department to award to **ADA RESOURCES, INC** \$4,900,000.00 and **KING FUELS, INC** - \$4,000,000.00 for Fuel, Diesel Low Emission for Finance & Administration Department - Central Service Revolving Fund - **(This was Item 11 on Agenda of July 10, 2002, TAGGED BY COUNCIL MEMBER WISEMAN)** - was presented. All voting aye. Nays none. Council Member Berry absent. MOTION 2002-0863 ADOPTED.
41. MOTION by Council Member Quan/Seconded by Council Member Parker to adopt recommendation from Finance & Administration Department to award to **HOUSTON G&G DEMOLISHING SERVICE, INC** - \$45,685.00 and contingencies for a total amount not to exceed \$47,969.25 and **FERNANDEZ AND SON** - \$35,680.00 and contingencies for a

total amount not to exceed \$37,464.00 for Demolition Services for Department of Public Works & Engineering Dangerous Building Consolidated Fund - **(This was Item 13 on Agenda of July 10, 2002, TAGGED BY COUNCIL MEMBER GOLDBERG)** - was presented. All voting aye. Nays none. Council Member Berry absent. MOTION 2002-0864 ADOPTED.

42. ORDINANCE amending **CHAPTER 3 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to certain Alcohol Premises in the Shepherd Plaza Shopping Center; containing other provisions relating to the foregoing subject; providing for severability - **(This was Item 16 on Agenda of July 10, 2002, TAGGED BY COUNCIL MEMBERS WISEMAN, PARKER and GALLOWAY)** - was presented.

Council Member Goldberg moved to refer Item No. 42 back to the Legal Department in order to prepare a variance instead of an exception for the location at 3745 Greenbriar and have it consistent with the conditions that were presently in the item and placed back on the agenda at the next City Council meeting, seconded by Council Member Wiseman. Council Member Berry absent. All voting aye. Nays none. Council Member Berry absent. MOTION 2002-0865 ADOPTED.

44. ORDINANCE approving and authorizing the submittal of an application to the Texas Department of Health for public health preparedness and response to Bioterrorism Grant (The "Grant"); declaring the city's eligibility for such grant; authorizing the director of the Health and Human Services Department to act as the city's representative in the application process; authorizing the director of Health and Human Services Department to accept the grant and the grant funds, if awarded, and to apply for and accept all subsequent awards, if any, pertaining to the grant; authorizing thirteen (13) new staff positions - \$3,295,450.00 - Grant Fund - **(This was Item 23 on Agenda of July 10, 2002, TAGGED BY COUNCIL MEMBERS VASQUEZ and SEKULA-GIBBS)** - was presented. All voting aye. Nays none. Council Member Berry absent. ORDINANCE 2002-0677 ADOPTED.

Mayor Brown recognized Council Member Vasquez for a point of personal privilege and Council Member Vasquez stated that he wanted to recognize some students present in the audience who were with Project of Houston, that Project Grad was "Graduation Really Achieved Dreams", that they were entering ninth graders and were present to observe Council and the most important thing was that they were going to be visiting not only with Council but other business and civic leaders and to observe how things operated and to strengthen their skills in required high school courses and asked that they stand and be recognized. Council Member Berry absent.

Mayor Brown stated that he wanted to welcome the students to City Hall and stated that he wished they would consider public service as a career, that it was a very rewarding way to spend their lifetime, so as they finished college he asked that they consider that. Council Member Berry absent.

Items received during the meeting were considered as follows:

16. ORDINANCE approving and authorizing amendment No. 4 to lease agreement between **FRAYDUN ENTERPRISES**, as landlord, and the City of Houston, Texas, as tenant, for space at 3838 North Sam Houston Parkway East, Houston, Texas, for use by the Department of Aviation **DISTRICT B - GALLOWAY** - was presented. All voting aye. Nays none. Council Member Berry absent. ORDINANCE 2002-0678 ADOPTED.
20. ORDINANCE appropriating \$52,000.00 out of the Lamar Terrace Public Improvement District (PID) No. 2 Fund (Fund No. 253) for payment of certain costs and expenses

associated with the Implementation of the Lamar Terrace PID No. 2 Service and Assessment Plan - **DISTRICT C - GOLDBERG** - was presented. All voting aye. Nays none. Council Member Berry absent. ORDINANCE 2002-0679 ADOPTED.

29. ORDINANCE appropriating \$45,595.00 out of Public Library Consolidated Construction Fund and approving and authorizing second amendment to professional architectural services contract between the City of Houston and **RAY BAILEY ARCHITECTS, INC** for Professional Architectural Services in connection with the Stella Link Branch Library (as approved by Ordinance No. 01-0874), GFS E-0022-01-2 - \$10,000.00 - Urban Library and Program Fund - **DISTRICT C - GOLDBERG** - was presented. All voting aye. Nays none. Council Member Berry absent. ORDINANCE 2002-0680 ADOPTED.

MATTERS TO BE PRESENTED BY COUNCIL MEMBERS

Council Member Sekula-Gibbs stated that in the newspaper there was reference to an article that was published by Dr. Richard Murrery from the University of Houston, that he heads up the Center for Public Policy, that it supported the need for the City to help with federally qualified health centers because it pointed out that 47% of Hispanics, 12% of Whites and 23% of Blacks had no medical insurance, that the City had an opportunity to really make a difference in leasing some of their clinic space that they were not using to help those folks, that she had a meeting with Mr. Haines about FQHC's and they were going to discuss it, but the issue was growing, and more and more people were becoming uninsured.

Council Member Sekula-Gibbs stated that she visited with a civic association last night that brought to her attention a terrible problem of flooding, that it was Meadow Link, that they say every time in Meadow Link, which was near West Little York and 1-45 North, when they had a two or three inch rain they flood, that she brought some pictures of some very overgrown culverts and clogged up storm drains that the City, County and State all seemed to have cross coverage with and that was part of the problem, that she would hope that Mr. Vanden Bosch and his representative, Gary Hutcherson, would devote resources and serious attention to the neighborhood.

Council Member Parker stated that they were discussing the Riverside Clinic earlier and while they could debate the mold issue at the clinic the reason it was being overhauled was because continuous roof leaks were causing damage to the building and foundation damage as well, that she recently had a presentation on Heat Island Mitigation and that there were a few ways to keep the Heat Island effect down in big cities and one was to preserve the tree canopy and they were making efforts to do that, that another was different types of paving and then a third was to try to get big commercial buildings to have reflective roofs so that they would not absorb the heat, that they reflect it back, that she knew they had a number of contracts coming through that were for new roofs on City facilities and she followed up a discussion with Ms. Schiller on this and it was her understanding that the new City policy was that they would use reflective roofing wherever it was feasible every time they replaced a roof, that she wanted to compliment the administration for making that decision and was glad to hear about it and thought it was a great step forward.

Council Member Parker stated that the City of Houston had been participating for the last few years in something called UCHAPS which was the Urban Coalition of HIV/AIDS Prevention Services, the sixth largest City in the Country that gets HIV/AIDS funds directly from the CDC meet regularly and coordinate and share best practices, all the other cities had been paying their dues to the organization and were current, but the City of Houston had never paid its dues and had still not paid its dues, that the issue was raised with her several months ago and knew that it was raised with Council Member Edwards as well and they put an inquiry into the Health Department, that the City of Houston Health Department HIV workers and a number of the community based organizations sent delegates to the annual meeting and they were treated like

stepchildren because the City of Houston did not pay its own way, that she would encourage the administration to investigate it and see if they could not get current on the UCHAPS dues.

Council Member Alvarado stated that she would like to get an update on where they were with the Land Assemblage Program, that last night she and Council Member Edwards were in the Third Ward Community visiting with the super neighborhood council and other community stake holders and that question continued to be asked, when were they going to implement the program, where was it, was it coming back to Council, that she wanted to get an update on that.

Council Member Berry stated that he hoped some of them had an opportunity to see the ABC show "Houston Medical" which was focused on the Medical Center in Houston and some of great human stories, that he thought that was the kind of National media attention and publicity that the City needed and wanted and hoped they were doing everything to make sure that they continued to attract Houston Medical and things like that to the City.

Council Member Ellis stated that he wanted to wish Ms. Sara Pennington Trapoli, the Assistant Agenda Director, a Happy Birthday.

Council Member Ellis stated that he wanted to talk about the Walter Branch Library renovation, that two years ago they started it and Building Services came in and closed down the library facility and they did not even start construction for six months, that the project was moving forward right now and they were trying to get some feedback from Building Services and the Library Department as to when the Walter Branch Library would reopen and would request the Mayor's assistance, that the main reason was that they were trying to find room in their district office for the SNAP Program, which Council Member Parker had requested that they find some office space, and as soon as they were able to close down the mini library that they had in the district office they could provide some office space for SNAP so he would like some feedback.

Council Member Ellis stated that there had been some requests to his office from different groups concerned or requesting some input on the proposed amendment prohibiting smoking in public places and he knew they had a draft of one of the proposed amendments and would request that Council Member Parker bring it through her Neighborhood Protection Quality of Life Committee, that prior to it coming to the full Council the different business groups could have input and so forth. Council Member Alvarado absent.

Council Member Parker stated that she had a meeting with the Restaurant Association a couple of days ago to further discuss it, that there were minor changes and BOMA was supporting and the Restaurant Association would be supportive and she would have them at the meeting, but she was considering doing it at the very next meeting which was August 5, 2002. Council Member Alvarado absent.

Council Member Ellis stated that he received a letter at his office on July 4, 2002 and it had to deal with Fire Station #68 and was sure that Council Member Goldberg had received the letter as well because he inherited that fire station and he did not know if it was true or not but would like some feedback from the Fire Department, that apparently at Station #68 the non emergency E-1 unit was in an accident and had been taken away from that facility and he wanted to know what the timeline was for that apparatus to be brought back to Station #68, that the station serviced both District C and F. Council Member Alvarado absent.

Council Member Ellis stated that on July 15, 2002 they had an article written by Mr. Bill Coulter in the Editorial Page and it talked about too sweet for City taxpayers to afford, that it was something that he talked about during the last Legislative session, that if they remembered the State Senate and the House of Representatives adopted a bill to increase the City's participation for municipal employees pension from 10% to 14%, which was an increase of 4% and Mr. Haines stated at the Council table that in no way would that affect the amount that they were going to have to contribute to the municipal employee pension system because they had such

great funds and so forth, that as they all knew the market goes up and down and they were going to have to participate at a much greater rate than they were told by Mr. Haines and with that said he would encourage everybody to read the article, but he would also encourage everybody, and he had just received a memo last week from their Legislative Affairs Committee Chairman, Council Member Alvarado, requesting their legislative priorities and even if they did not serve on the committee he would encourage everybody to show up at the committee meetings and be heard, that it was not a priority of the Council to go and fight for that increase for the municipal employee pension system, it was something that was funded by the administration through the municipal employee pension system and was kind of done behind their backs, that most of them did not know about it until the bill had already passed, so with that said, he thought they all needed to be attuned to the Legislative Affairs Committee and needed to submit their priorities and take a hard look at what the administration was presenting for the next Legislative session.

Council Member Goldberg stated that he would like to promote a Houston Bar Association event that was happening July 25, 26 and 27, 2002, that it was the annual Houston Bar Association Night Court, which was kind of a musical and variety show, that it was an all attorney musical, that it raises money for charity, that this year it features Houston City Council in the year 2025, which is an all female Council and the Mayor is Sylvia Garcia and he plays one of the lobbyists, that the biggest problem that they had was that they anticipate 20,000 pot holes and Council does not know if they have enough streets to accommodate that many, that it would be at Rice Hammond Hall and they could get tickets by either calling his office or the Houston Bar Association.

Council Member Wiseman stated that she wanted to thank some City representatives who joined her last night at a civic association meeting for Oak Meadows, Mr. Art Kidder, Public Works, HPD Assistant Chief McClelland, from Neighborhood Protection, Mr. Pete De Los Santos and Mr. Carlos Hinojosa, that they had a lot of issues to address in that neighborhood, that they had the hearing last week with respect to trucks on Highway 225 which was right outside of Oak Meadows, they were having a problem with trucks traveling in and out of the neighborhood, there were clearly posted "no thru trucks" signs, however that was not deterring any of the truck traffic and it was tearing up the streets that were already in bad condition, that she would like the Mayor's assistance in addressing the problem so that they could get it resolved for Oak Meadows residents.

Council Member Wiseman stated that Allen Genoa was in disrepair in certain areas, some maintenance to the right of way and the esplanade was in seriously poor condition and in need of attention and she would like that addressed as well.

Council Member Wiseman stated that in Kingwood, where everyone assumed they were better maintained in the way of right of way maintenance and park services, there was an esplanade on Woodland Hills Drive where the weeds were now about a foot and a half tall, that she did not think that was acceptable in any part of the City and would like to see it addressed as quickly as possible.

Council Member Wiseman stated that last Friday in Kingwood, as they knew they had four fire stations, they had one fire truck to service all of Kingwood, that Fire Station #103 was in service and that was in the back of Kingwood, that Fire Station #101 and #102 were out service and #104 was out providing mutual aide in Atascocita, that there were no back ins and it was her understanding that Assistant Chief Trevino had issued a policy that no back ins would be provided unless all of the Kingwood fire stations were out of service, that to her was unacceptable and she would like the Mayor to look into that and would like to visit with Chief Connealy on it. Council Member Sekula-Gibbs absent.

Mayor Brown stated they would have Chief Connealy meet with her. Council Member Sekula-Gibbs absent.

Council Member Galloway stated that they still had a concern with the bridge out at Wayside and Tidwell, it was affected during Tropical Storm Allison on June 8, 2001 and here they were in July 2002 and nothing had been done and the residents in the area continuously have to detour to get home, that she would really like for them to get moving in getting the bridge repaired. Council Member Sekula-Gibbs absent.

Council Member Galloway stated that she took the time to tour with Neighborhood Protection, that they knew she had many dangerous buildings, weeded lots and junk cars and she did find something quite interesting and though they were moving in the right direction when it came to weeded lots, that they had the City divided into sections now and they were in three quadrants and it made it more simple for the City to get rid of the weeded lots and then the inspectors are out months in advance and identifying where those lots were instead of it being complaint driven.

Council Member Galloway stated that Mr. George Carl Walker, one of their noted citizens, who was her neighbor as well, passed away on Friday and his funeral would be on Saturday and the wake would be on Friday night at Fifth Ward Baptist Church and asked for a moment of silence for Mr. Walker and his family.

Council Member Robinson stated that he also wanted to acknowledge Judge Walker who was actively involved with the National Bar Association and the Houston Lawyers Association and was one of the first African Americans to serve as U.S. Attorney in the Southern District and when he joined that office back in the 1960's he was the first African American in the south to become a member of the U.S. Attorney's office.

Council Member Robinson stated that he knew the Neighborhood Protection Committee met and he was looking at a story in the newspaper and wanted to echo the same kind of commentary, that he was glad that the email system was being set up and it was a good first step, but he still thought they needed the deed restriction database, that even if it was only three or four things that they could enforce, let's database them in all of the neighborhoods and have them readily available, but he did not think it should be on the community to call in and complain, he thought they ought to have a system so when a developer came in or anybody came in and asked for a permit it would be instantaneous, that they ought to be more aggressive in the use of technology because that was really the last major area where they could start seeing more efficiency and cost savings and really be responsive.

Council Member Robinson stated that the newest issues of U.S. News and World Report was out and they had America's Best Hospital and in almost every category they had one or two hospitals in the medical center that was listed, that the only place that he did not see Houston listed, in his initial review, was geriatrics and they had a growing senior population and thought that was something they ought to encourage more focus on in their community.

Council Member Robinson stated that he hoped they would step up their enforcement on the truck issue through the neighborhoods and knew that Mr. Haines was working on looking at best practices in other communities and other kind of limitations on the use of City streets, that he hoped to close out his term on Council encouraging not only the City but TXDOT and the other folks who were involved in it to develop a truck bypass route and really coordinate and increase their enforcement of trucks using City streets.

Council Member Edwards stated that she would like for them to have a hearing on missing children and abandoned children, that it seemed that every morning they woke up and there was another child that had been snatched, that she was tired of their children being treated like trinkets and when people use them they kill them and throw them away like used Kleenex or something, that she knew that Laura Ayala was still missing in Houston and if they were not in the headlines everyday people forget, but she was sure her mother had not forgotten about her,

that if it was under the purview of Council Member Parker committee she would like to send a message, at least in Houston, Texas, that the City of Houston, Texas was not going to allow for their children to be systematically just snatched up and used and thrown away.

Council Member Edwards stated that they had an education initiative in District D and one of the issues that had come up was the quality and conditions of the schools, that she had pictures to pass out showing the conditions at Ryan Junior High School, that she and Council Member Alvarado had been working on it, that the parents were very concerned and they could see the conditions at Ryan Middle School, that they had met with Superintendent Stripling and they were working on it and there was going to be a subsequent meeting on Monday at 7:30 p.m. at Wheeler Avenue Baptist Church and would encourage all Council Members to be present or at least send a representative because she did not think it was just unique to District D or District I, they had a serious problem with inner city schools and their conditions and with the bond issue that was coming up she thought there needed to be some serious questions asked as to what was going to be happening. Council Member Keller absent.

Council Member Tatro stated that he had not read the Chronicle article about the deed restrictions but thought it was a productive session at the committee meeting and wanted to applaud Mr. Litke and the Legal Department on the movement they had, that he thought it was a very difficult situation because when it was all said and done they had to look at the application of the deed restriction database, what was the function of the deed restriction database, that he did think it was important to accumulate the database and was very supportive of that and how they accumulate that was then left up to the technology people, but one of the things that they did discuss, and they would follow up with the County, and that was whose jurisdiction it was, that they were going to be following up to determine what was the most efficient way to get it on the internet and get as many deed restrictions available online so when Mr. Litke's email goes out people would have a place to go to, whether it would be the City person or the constituent to validate them and check them and let that information get out there as soon as possible.

Council Member Vasquez stated that the greater Houston area had received a lot of rain recently, and even though it was not Allison caliber rain in terms of the amount of the rainfall they had seen flooding throughout the City and damage to neighborhoods and damage to the airport as well, so he would like to get a briefing update to where they were with writing the drainage fee ordinance, that he would also like to hear from the airport system, that he saw in the news that the FAA Radar Facility was closed down and flooded out thus causing about 80 cancellations from Continental alone, so he would like to know what was going to be done to solve that problem and would like a briefing as well to see what type of City involvement was necessary to address that, and Mayor Brown stated that Mr. Haines would take care of that. Council Members Parker and Robinson absent.

Council Member Vasquez stated that he knew they voted to privatize the zoo but there were some projects that were being done under the City's jurisdiction prior to their vote on privatizing the zoo and thought that some of those subcontractor's were basically stuck in the middle in the sense of not being able to be paid, so he would like to bring at least one of those projects to their attention to see what could be done to facilitate payment and would could be done that they get taken care of, that he wanted to make sure that those contractors did not fall between the cracks of privatization and the City responsibility. Council Member Parker absent.

Council Member Vasquez stated that he wanted to thank Dr. Kendrick, that they asked for a briefing on the school immunizations and what was going on with that and their preparation for the fall rush, that he was happy to see that they had a good plan and were cooperative in terms of reaching out to others, that as part of that on Saturday, August 10, 2002, they would have their second annual back to school fair in District H, that it was a citywide event and was targeted primarily to the Spanish speaking parents of HISD students, that last year they had about 3,000 people show up and immunized about 600 kids, with an average of four shots per kid, so it was a lot of first time to be immunized kids that were showing up, that it was on Saturday, August 10,

2002 at Northline Mall from 10:00 a.m. to 4:00 p.m. Council Member Parker absent.

Council Member Keller stated that he took to heart the discussion they had on deed restrictions and certainly would like to see them improve the efficiency in the way they could administer that on behalf of the homeowners and tax payers, that one thing that he had seen in fighting for deed restrictions for neighborhoods in his district was how easily it was for builders and applicants to just ignore the box to get the building permit, that they had reviewed and adhered to the deed restrictions, that a lot of them have not reviewed the deed restrictions or had any clue what the deed restrictions were and did not intend to find out, that he would like to see if there was some way that they could stiffen the penalty for somebody who intentionally denied or ignored that request, because it cost a lot of anguish on the Legal Department on legal representation of the neighborhood, that he would like for it to be more than a slap on the hand and he thought the amount of money that they would get from making it a severe penalty would help fund some of the improvements that some of his colleagues had talked about today. Council Members Galloway and Goldberg absent.

Council Member Keller stated that he wanted to compliment Mr. Vanden Bosch, that he spent a lot of time with him on a number of neighborhood issues that Council had witnessed over the last few weeks also, from as far off as Dairy Ashford and Memorial to as close as Kirby and San Felipe.

Council Member Alvarado stated that as to increasing the fines, that was one of her amendments and then they came back not too long ago and it was passed, and Council Member Keller stated that he did not know if they actually addressed the one about the little box, and Council Member Alvarado stated that it addressed if they violated the deed restrictions.

Mayor Brown asked Ms. Susan Taylor, Legal Department, what they had done about that, and Ms. Taylor stated that in general with regard to the budget amendment what they did was increase the Municipal Court fines associated with violations of the various construction codes, in connection with the affidavit on obtaining a building permit, they had done a couple of things and were continuing to work on that, that about a year ago they changed the format of that affidavit so that it was quite clear what it was that was being signed, that in the past there might have been some confusion on someone's part and there were a number of different boxes, that they made it very straightforward and very clear so that there was no question that if someone signed it they knew exactly what they were signing, that they had made it a sworn statement, that they were signing it in front of a notary when they did sign it, they had been working with the District Attorney's office and were hopeful that they could perhaps have them accept some of those cases, but that was the real key, that the violation for signing that affidavit in error or falsely was false swearing and that was a crime and the DA could prosecute it, it was just a matter at this point whether it was sufficient for them to feel it was a case they wished to prosecute, that they had taken every effort to enforce it to the strictest and they were continuing to work on that effort, and in addition to the extent that someone did false swear and obtain the building permit in error because of their misrepresentation, the Planning and Development Department was entitled to red tag the building and stop the construction and require it to be removed, which was relatively ultimate penalty to someone who had gotten a building permit that they should not have, they could make them take the building back. Council Members Galloway and Goldberg absent.

Council Member Quan stated that last week they received a lot of buzz with the Olympic Committee in town, but he just wanted to mention a couple of other athletic events that would be held this weekend, that the Shaolin Kung Fu Monks would be in town this weekend for a special performance and thought that each Council Member received an invitation to a showing on Friday and hoped that they each take advantage of that. Council Members Galloway and Goldberg absent.

Council Member Quan stated that the City of Houston would be hosting the Double Wicket Cricket matches, that it was only the second time in the United States that a city had hosted

these events, that there were over 22 cricket teams that would be in town this weekend at the Reliant Astrodome. Council Members Galloway and Goldberg absent.

Council Member Quan stated that Council Member Tatro asked about the Pilot Program and that was moving forward, that he had contacted the Houston Apartment Association, State Representative Garnett Coleman and the CDC Association and they hoped to have that before Council in the next couple of weeks. Council Members Galloway and Goldberg absent.

Council Member Quan stated that Council Member Alvarado asked about land assemblage, that they were having a Housing Initiatives Meeting tomorrow and that was an item that was going to be on the agenda, as to an update on where they stood on land assemblage. Council Members Galloway and Goldberg absent.

Council Member Quan stated that Council Member Robinson had also been concerned about visitability and that was another item that would be on the agenda and knew that Council Member Sekula-Gibbs had also been concerned about that, that he encouraged members of the committee or any Council Member to be present tomorrow for that meeting. Council Members Galloway and Goldberg absent.

Council Member Quan stated that as to the Ethics Committee, they planned to have a meeting within the next two weeks and as to Item No. 13 on today's agenda he thought they each received a memorandum from Council Member Robinson requesting clarification on campaign funds and how they were to be used in subsequent campaigns and that would also be discussed at the Ethics Committee. Council Members Galloway and Goldberg absent.

There being no further business before Council, the City Council adjourned at 10:32 a.m. upon MOTION by Council Member Quan, seconded by Council Member Robinson. All voting aye. Nays none. Council Members Galloway, Vasquez and Berry absent.

DETAILED INFORMATION ON FILE IN THE OFFICE OF THE CITY SECRETARY.

MINUTES READ AND APPROVED

Anna Russell, City Secretary